

STATE OF MICHIGAN  
COURT OF APPEALS

---

UNPUBLISHED

October 18, 2011

In the Matter of MCLEOD, Minors.

No. 303072

Eaton Circuit Court

Family Division

LC No. 09-017490-NA

---

Before: M. J. KELLY, P.J., and FITZGERALD and WHITBECK, JJ.

PER CURIAM.

Respondent appeals by right the trial court's order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g), and (j). Because we conclude there were no errors warranting relief, we affirm.

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination stated under MCL 712A.19b(3) has been met by clear and convincing evidence. *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993). "If the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made." MCL 712A.19b(5). We review the trial court's factual determinations for clear error. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); MCR 3.977(K). A finding is clearly erroneous if, although there is evidence to support it, we are left with a definite and firm conviction that a mistake has been made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003).

The evidence established that respondent had a history of chronic substance abuse spanning 13 years, which led to these proceedings. She admittedly used drugs before her children were born, during her pregnancies, and after their births; she also used drugs in the home and was unable to provide proper care or custody for them due to her drug addiction. Despite several attempts at inpatient and outpatient substance abuse treatment over the years, respondent was unable to alter her behavior, as evidenced by her repeated relapses. Significantly, she relapsed during these proceedings and seriously abused drugs again after completing intensive inpatient substance abuse treatment and while participating in substance abuse services and receiving the support of numerous providers. During her relapse, she completely disengaged from substance abuse and reunification services, failed to maintain contact with her caseworker and service providers, and stopped visiting the children. Although by the time of the termination hearing respondent was again participating in substance abuse treatment and demonstrated a desire to change, her pattern of relapsing after treatment was

extensive and telling; her inability to maintain a lifestyle free from drug use plainly compromised her ability to ensure the children's future safety and wellbeing.

On this record, it is evident that respondent would likely not be able to sufficiently rectify her substance abuse, the condition that led to the adjudication, to be able to provide proper care and custody for the children within a reasonable time, if ever. The children were very young and had already been outside of respondent's care for 14 months, a significant part of their lives. Testimony indicated that respondent would not be in a position to start reunification efforts with the children until she completed her current attempt at substance abuse treatment, maintained sobriety for six months in an unprotected environment, and gained physical stability, at which point the children would have been outside of her care for—at a minimum—two years. This is too long a time for the children to have to wait just for the possibility of reunification, especially with respondent's proclivity for relapse. The children had made significant progress without respondent and needed continuity, permanency, and stability. It was unlikely that respondent would successfully address her substance abuse and establish a legal income and independent housing within a reasonable time. The trial court did not clearly err in finding that the grounds stated under subsections (c)(i), (g), and (j), had been established by clear and convincing evidence. *Trejo*, 462 Mich at 356-357.

The trial court also did not clearly err in its best-interest determination under MCL 712A.19b(5). In light of respondent's chronic and longstanding substance abuse, the significant time that the young children had already been outside of respondent's care and custody, and their notable progress outside of her care, the trial court did not clearly err in concluding that termination was in the children's best interests. *Trejo*, 462 Mich at 356-357. While respondent's current efforts with substance abuse treatment and her clear desire to change her situation and care for her children are commendable, future reunification with the children remained largely uncertain, and it would be unfair to deprive them of permanency and stability any longer.

There were no errors warranting relief.

Affirmed.

/s/ Michael J. Kelly  
/s/ E. Thomas Fitzgerald  
/s/ William C. Whitbeck